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Attorneys for USACM Liquidating Trust

E-Filed on 12/31/07

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Stipulation Re Proofs Of Claim Filed
By Michael P. Mollo**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

The USACM Liquidating Trust (the "USACM Trust"), and Michael P. Mollo
("Mollo"), stipulate:

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- 1 1. Michael P. Mollo filed Proof of Claim No. 10725-00366 alleging a \$6,587.50
2 unsecured non-priority claim and a \$10,000 priority for a total claim of \$ 16,587.50;
- 3 2. Michael P. Mollo filed Proof of Claim No. 10725-00371 in an unstated
4 amount.
- 5 3. On March 23, 2007 the USACM Trust filed an Omnibus Objection to
6 Commission Claims Asserting Priority Status [DE 3255] which included an objection to
7 the Mollo claims and arguing that the proofs of claim are not entitled to priority status.
- 8 4. On April 4, 2007, Michael P. Mollo filed a response to the objection of the
9 USACM Trust [DE 3337] and provided documentation to substantiate his claim.
- 10 5. The objection and response came before the Court for hearing on December
11 14, 2007 at 9:30 a.m.
- 12 6. In view of the foregoing, the parties hereby stipulate and agree:
 - 13 • Claim No. 10725-00371 shall be withdrawn on the ground that it is
 - 14 duplicative of proof of claim No. 10725-00366.
 - 15 • Claim No. 10725-00366 shall be allowed as a wage priority claim pursuant
 - 16 to 11 U.S.C. §507(a)(4) in the amount of \$10,000 and an unsecured non-
 - 17 priority claim in the amount of \$6,587.50.
- 18 7. Nothing in the parties' stipulation or the Court's order approving the
19 stipulation is a waiver or release by the USACM Liquidating Trust in favor of Michael P.
20 Mollo.

21 Dated: December 31, 2007.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)

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1
2 STIPULATED AND AGREED to this 21st day of December, 2007.

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5 Michael P. Mollo
6 316 S. Broadway, # B
7 Redondo Beach, CA 90277-3709
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